

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARIAH LOPEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.

25-CV-3440 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff is proceeding *pro se* and *in forma pauperis*. Plaintiff sues Defendants City of New York, Department of Homeless Services (DHS), NYC Human Resources Administration (HRA), NYC Department of Social Services (DSS), and Judge Carol Sharpe. The Court dismisses the complaint without prejudice for the following reason.

On the same day that Plaintiff filed this action, she submitted a substantially similar complaint, which is pending under docket number 25-CV-3441 (LTS) (*Lopez I*). In *Lopez I*, Plaintiff also sues Defendants City of New York, and three of its agencies (DHS, HRA, and DSS). The *Lopez I* complaint refers to Judge Carol Sharpe as a defendant in the body of the complaint, although she was not listed as a defendant in the caption of the complaint.

In both actions, Plaintiff seeks, among other things, declaratory relief in the form of an order that Judge Sharpe “overstepped her constitutional authority . . . .” 25-CV-3441 (ECF 1 at 9); 25-CV-3440 (ECF 1 at 5). As the claims raised in this complaint are already pending in *Lopez I*, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff’s pending case in *Lopez I*. Under Rule 15 of the Federal Rules of Civil Procedure, Plaintiff has an opportunity to amend her complaint in *Lopez I* to include allegations or claims, if any, that were included in this complaint but not in

*Lopez I.* Any further filings in support of Plaintiff's claims should therefore be filed in the ongoing case under docket number 25-CV-3441 (LTS).

### CONCLUSION

Plaintiff's complaint is dismissed without prejudice as duplicative of 25-CV-3441 (LTS).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter a civil judgment in this matter.

SO ORDERED.

Dated: April 30, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge